IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 27th day of June 2005
Criminal Misc. Bail Application No. 405/2005
Order on the bail application of accused

CRIMINAL SIDE
Bachhap Singh
S/o Shri Umed Singh
R/o Village-Liti
Patwari Circle-Liti
Tehsil-Kapkote
District - Bageshwar ……..Applicant

Versus
State of Uttaranchal …….Opposite Party

Arising out of case crime No. 01/2005
U/s 302 IPC
Parwari Circle Liti
Tehsil Kapkote
District - Bageshwar.

Hon'ble J. C. S. Rawat, J.

Heard Sri Dinesh Chauhan learned counsel for the applicant, Sri Kaliash Joshi learned counsel for the complainant and learned A.G.A. for the State.

Perused the record. As per the prosecution version, Aan Singh (deceased) went into forest for collecting grass on 7.3.2005. When he did not return, all villagers alongwith reporter went into forest in order to search him. On 8.3.2005 at about 7:30AM the dead body of Aan Singh was found in the forest and at that time the applicant was also standing nearby the dead body. When the villager reached there, the applicant absconded from the spot. Then, the F.I.R. was lodged. Thereafter, the statement under section 161 Cr.P.C. was recorded by the I.O., wherein Km. Radha-daughter of the deceased stated that she saw the incident as to how the accused caused the injuries to her father. Km. Radha-daughter narrated the entire incident to her family members. The learned counsel for the applicant contended that if a person commits the murder of some one, he would not remain present at the spot for a long time and of course he will try to escape from the spot. Apart this, the theories taken in the FIR and the statement are

different from each other. The learned counsel for the applicant further contended that if Km. Radha would have seen the incident of murder, the matter should have been reported to the police. Considering the facts, totality and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the amount to the satisfaction of the C.J.M. concerned.

(J. C. S. Rawat, J.)

Dated 27.06.2005

LSR